IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 10561 of 2007(G)

PETITIONERS:
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1. **SHARON M.J. AGED 27 YEARS,**
   D/O.MARY JOSEPH CELINE, FLAT NO.S.(PART-T)VTH FLOOR DIWANS CHAMBERS, DIWANS ROAD, ERNAKULAM VILLAGE, KANAYANNUR TALUK, REP. BY THE POWER OF ATTORNEY HOLDER, THE 2ND PETITIONER, MARY JOSEPH CELINE.

2. **MARY JOSEPH CELINE, AGED 51 YEARS,**
   FLAT NO.S.(PART-T)VITH FLOOR, DIWANS CHAMBERS, DIWANS ROAD, ERNAKULAM VILLAGE, KANAYANNUR TALUK.

BY ADV. SRI.C.S.MANU,
SRI.S.K.PREMRAJ,
SRI.ANOOP JOSEPH,
SRI.ANOOP.V.NAIR,
SRI.ABHILASH AKBAR.

RESPONDENTS:
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1. **THE DISTRICT MAGISTRATE,**
   OFFICE OF THE DISTRICT MAGISTRATE, CIVIL STATION, KAKKANAD, ERNAKULAM DISTRICT.

2. **THE TAHSILDAR,**
   KANAYANNUR TALUK, ERNAKULAM DISTRICT.

3. **THE VILLAGE OFFICER,**
   ERNAKULAM VILLAGE, ERNAKULAM.

W.P.(C). NO.10561/2007:

4. WIZMANN HOMES LIMITED,
40/4804, 3RD FLOOR LAKSHMI CHAMBERS,
M.G.ROAD, NEAD PADMA JUNCTION, KOCHI -682 035,
REPRESENTED BY ITS REGIONAL MANAGER.

5. GLADIS JOSEPH, AGED 55 YEARS,
W/O.FRANCIS GEORGE, RESIDING AT 841,
L.I.G. PANAMPILLY NAGAR, KOCHI- 36.

BY ADV. SRI.P.V.BABY,
SRI.JOSHY THANNICKAMATTAM,
GOVT. PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.10561/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE RENT AGREEMENT DTD. 20/02/2000 EXECUTED BY AND BETWEEN THE R.5. AND THE P.1.

EXT.P.2: COPY OF THE APPLICATION DTD. 21/03/07 SUBMITTED BY THE P.2. TO THE R.1.

EXT.P.3: COPY OF THE COVERING LETTER DTD. 21/03/07 SUBMITTED BY THE P.2. TO THE R.1.

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 10561 OF 2007-G

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Dated this the 30th day of March, 2007.

JUDGMENT

The petitioners contend that they are tenants of the fifth respondent. They have placed Ext.P1 stating that it is a rent agreement, but it is only a development agreement between the fifth respondent and the builder. So much so, I do not find any way for the petitioners to prima facie show that they are tenants of the premises. Writ petition fails. Dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-